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INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/590,488

Applicant(s)

JERDING ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 33-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 33-35 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-32, and 36-37, drawn to an interactive media guide with parental control features, classified in class 725, subclasses 28 and 30.
 - II. Claim 33-35, drawn to a method for a system operator to configure an interactive media guide at the server, classified in class 725, subclass 93.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such that the interactive media guide configured by system operator configuration does not require parental control features. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

2. During a telephone conversation with Shelley Couturier on 29 April 2003 a provisional election was made to prosecute invention I without traverse. The applicant in replying to this Office action must make affirmation of this election. Claims 33-35 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

4. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994). Accordingly, for the purposes of evaluation of prior art, the application filing date shall be the filing date of the instant application or 09 June 2000.

In consideration of the applicant's claim for priority, it is the examiner's position that the information disclosed in the provisional application only comprises the information of Pages numbered 1-5. The remainder of the provisional application includes references to a number of patent and patent applications, in addition to a number of supporting materials/documents, however it is the examiner's position that these materials have not been properly

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incorporated into the provisional application such that the instant application would receive the benefit of an earlier filing date.

As to the patent and patent applications, the provisional application fails to properly incorporate the material by reference in so far as there is no reference as to what is actually being incorporated other than simply the references to the patents/applications or attached documents. As to the attached documents (referenced on pages 4-5), there is no reference that these documents are actually part of the disclosure/application given that they are not "incorporated by reference in their entirety". The disclosure simply references these documents as "further describing aspects of the invention". The reference to another application, patent, or publication is not an incorporation of anything therein into the application containing such reference for the purpose of the disclosure required by 35 U.S.C. 112, first paragraph. In re de Seversky, 474 F.2d 671, 177 USPQ 144 (CCPA 1973). See MPEP § 608.01(p).

Request for Information

5. The US Provisional application 60/138,756 upon which priority was sought includes the following attached documents:
 - Client User Interface Specification for Video-On-Demand Application Development on the Explorer 2000™ Digital Home Communications Terminal, revision 1.10 of 8/31/98;
 - VOD Title Catalog Format;
 - VOD Client Software Design Specification, version 0.5 of 4/23/98;

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- Video-On-Demand Architecture Specification for the SARA VOD Application
Server Interface;
- The “AIS VOD Component” Overview;
- The “Generic VOD Architecture” Overview;
- System Architecture Specification for Video-On-Demand Application Development
on the Explorer 2000™ Digital Home Communications Terminal, revision 1.01r
of March 1999;
- System Architecture Specification for Service Group Determination of Scientific
Atlanta Digital Broadband Delivery System, revision 1.00 of February 1999;
- System Architecture Specification Digital Broadband Delivery System User-to-
Network Configuration, revision 1.00 of June 1999; and
- System Architecture Specification Digital Broadband Delivery System Service
Interactive Sessions, revision 1.00 of June 1999;

The examiner is unclear as to the nature of these documents with respect to them constituting prior art under 35 USC 102. The aforementioned documents appear to be “printed publications” that “describe” the claimed aspects of the invention prior to the filing of the instant application and are furthermore each authored by a different inventive entity than the instant application. The examiner cannot find any indication that these documents were for internal use only. The “Client User Interface Specification for Video-On-Demand Application Development on the Explorer 2000™ Digital Home Communications Terminal, revision 1.10 of 8/31/98” document by Shashi Goel discloses that the claimed invention was “to be deployed for demonstration in the field, in September 1998” (Page 3, Section 1.2).

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The System Architecture Specification for Video-On-Demand Application Development on the Explorer 2000™ Digital Home Communications Terminal, revision 1.01r of March 1999” document by Timothy Addington references that the “S-A propriety notice” has been removed from the document and that it was “released to Pegasus VOD Design team” (Page ii, Revision History). It is the examiner’s understanding that the Pegasus was a project sponsored by Time Warner Cable whereupon the assignee of this application Scientific Atlanta™ was selected as a prime contractor (<http://twcable.web.aol.com/Pegasus/>).

Accordingly, the examiner requests for the applicant to provide clarification on the record as to the prior art nature of these documents and in particular provide comments regarding the inventorship of the claimed material, comments pertaining to the removal of propriety notices coinciding with the “release” of the document by Timothy Addington, and the suggestion of “public use” raised by the Shashi Goel document.

Drawings

6. Corrected or substitute drawings were received on 29 May 2001. These drawings are disapproved as referenced in the subsequent drawing objections.
7. Figures 4C and 4D are objected to because the specification describes the illustration as the MOD initialization scenario, however the element label appears to reference the “VOD server” [22] as opposed to the “MOD server” [19] (Page 9, Lines 30-37). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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8. Figure 4H is objected to because the specification describes processes utilizing MOD requests, however the elements label reference the requests as “VOD” requests” (Page 12, Lines 4-14). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
9. Figure 7 is objected to because the specification describes the referenced element “188” as the “guide button”, however, the arrow is pointing to the “TV button” of the remote control (Page 14, Line 4). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 84 (Figure 4D), 89, 98 (Figure 4E), and 189 (Figure 7). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
11. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “270” has been used to designate both the VOD rental screen and the “lower portion of the display (Figure 19A). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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12. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 216 (Page 16, Line 30); 271 (Page 27, Line 27). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
13. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method of allowing the subscriber to select the language format of the guide and requested media must be shown or the feature(s) canceled from claims 29-32. No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

14. The abstract is objected to because it is not a concise statement of the technical disclosure of the patent and that includes that which is new in the art to which the invention pertains. In particular the claimed subject matter is directed towards providing parental control, language selections in a video on demand system. The abstract, however, generically describes a video-on-demand system that provides an interface to a subscriber.
15. The disclosure is objected to because of the following informalities:
 - Reference to “application servers 14” should be amended to reference “application servers 20” (Page 4, Line 9);

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- Reference to “a Digital Storage Media – Command-in-Control (DSM-CC) 34 session and resource manager 34” should be amended to read “a Digital Storage Media – Command-in-Control (DSM-CC) session and resource manager 34” to remove the redundant element number (Page 4, Line 14);
- An extraneous space exists in the phrase “title ID and installs” (Page 19, Line 33);

Appropriate correction is required.

Claim Objections

16. Claim 4 is objected to because the phrase “if said user decides to cancel from title information screen” should be amended to read, “if said user decides to cancel from the title information screen”. Appropriate correction is required.
17. Claim 7 is objected to because “server” is misspelled. Appropriate correction is required.
18. Claim 12 is objected to because it is unclear as to why the term “if possible” is used in the claim. The specification does not appear to suggest that this screen is necessarily presented “if possible” (IA: Page 25, Lines 10-18). Appropriate correction is required.
19. Claim 15 is objected to because the phrase “displaying said main screen of interactive media guide” should be amended to read, “displaying said main screen of the interactive media guide”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

20. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

21. Claim 3-15, and 36-37 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “presenting an active session screen denoting that the client currently has an active session (IA: Page 27, Lines 15-34, does not reasonably provide enablement for “displaying a main screen of said interactive media guide denoting that active session is not present”. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

It is the examiner’s understanding that the “main screen” being referenced is illustrated in Figure 8B. However, Figure 8B illustrates that there are currently two rentals [209] and the specification further discloses that a viewer can subsequently link from this “screen” to current rental screen (IA: Page 15, Lines 31-35). If this screen is to be displayed when there are no current rentals, it is unclear as to the function of this link. The specification also describes, as illustrated in Figure 5, that the “main screen” or title screen [197] (IA: Page 21, Lines 9-11) is presented only if there is not a current rental. However, as aforementioned, Figure 8B clearly illustrates that there are active sessions associated with previously rented programming. It would appear that this screen [197] is not actually generated if an active session is not present, but is rather generated from rental screen [270] (Figures 19B-C). Any negative limitation or exclusionary proviso must have basis in the original disclosure. See MPEP 2173.05(i).

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22. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “redisplaying said unblock pin screen denoting unblock pin value and server unblock pin value are not equivalent”, does not reasonably provide enablement for “redisplaying said unblock pin screen denoting purchase pin value and server purchase pin value are not equivalent”. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

In particular, the claim states that the “unblock pin screen” is displayed if the “purchase pin value and the server purchase pin value are not equivalent”. This is contrary to the disclosure of the application, as it does not appear that the unblock pin screen is displayed if the “purchase pin” is incorrect. Rather, Figure 5 would suggest that an incorrect PIN entry [249] would result in the presentation of the title catalog screen [195]. For the purposes of further evaluation, the examiner shall presume that the claim has been amended to read “redisplaying said unblock pin screen denoting [purchase] unblock pin value and server [purchase] unblock pin value are not equivalent”.

23. Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the examiner is unclear as to where support is found within the specification such that the “interactive media guide is configurable” to “change to a desired language format” such that the guide is, for example, displayed in French as opposed to English. The examiner does

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finds support for the concept that a user may select/request that the delivered media is provided in a given language format (IA: Page 22, Lines 13-24).

24. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

25. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 14, the phrase "rewind, fast forward, pause, etc.." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For the purposes of further evaluation, the examiner shall presume that the claim has been amended to remove the phrase "rewind, fast forward, pause, etc..".

Claim Rejections - 35 USC § 102

26. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

27. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Goode et al. (US Pat No. 6,166,730).

In consideration of claim 1, the Goode et al. reference discloses a method for facilitating the delivery of “requested media” in an “interactive media services system” [100]. The system comprises a “client device” [118] that “implements an interactive media guide” such as the OnSet™ system (Col 13, Line 60 – Col 14, Line 10). The embodiment further “determines whether an active session exists” upon “accessing said interactive media guide” such that the user may be notified as to “active programs” (Figure 11; Col 17, Line 55 – 33).

Claim 2 is rejected wherein the embodiment is operable to “present an active session screen denoting that the client device currently has an active session” (Figure 11) wherein the user may “display the active media session . . . [upon] a command from the user to resume [the] session” (Figure 12; Col 18, Line 34-51). An illustration of the aforementioned display is illustrated in Figure 17 of Gordon et al. (US Pat No. 6,314,573). The Gordon et al. reference depends on the US Provisional document that is explicitly incorporated by reference by the Goode et al. reference (Col 13, Lines 60-64).

28. Claims 16 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by LaJoie et al. (US Pat No. 5,850,218).

In consideration of claim 16, the LaJoie et al. reference discloses a method for an interactive media services system [1] comprising a client device [6] that is coupled to a programmable media services server device [15/16] (Col 10, Lines 20-41). As illustrated in Figure 3, the client device [6] comprises a “memory for storing data” including an “interactive media guide” (Col 13, Lines 36-65) and a “processor” that is “responsive to said interactive program guide and requests of said user” (Col 13, Lines 22-35).

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Claim 30 is rejected wherein the LaJoie et al. reference discloses that the media guide is “configurable to accept a plurality of commands” such that the user may “change to a desired language format” associated with the Second Audio Program [180] as “listed among possible selections given by said interactive media guide for said requested media” illustrated in the highlighted program summary window [346] (Col 20, Lines 20-26; Col 23, Line 66 – Col 24, Line 4).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
31. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al. (US Pat No. 6,166,730).

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In consideration of claim 3, as aforementioned the Goode et al. reference discloses that it is operable to determine and display a listing of “active media sessions” associated with a current account either through the navigator screen (Col 18, Lines 1-4). The reference, however does not explicitly disclose what information would be displayed to the user if there were no active sessions. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the “main screen” associated with the display of “active media sessions” (Gordon et al.: Figure 17), if necessary, so as to “denote that an active session is not present” using a simple “No current rentals” for the purpose of providing a friendly informative message that informs the user that there are no current rentals associated with their account. With respect to the limitation pertaining to “displaying a plurality of titles for said media”, the claim does not explicitly require that the “display” is necessarily on the same screen. Figure 4 of the Gordon et al. reference illustrates an example for “displaying a plurality of titles for said media”.

In consideration of claim 4, Figure 11 of the Gordon et al. embodiment illustrates a “title information screen” in conjunction with a request to display more information pertaining to a requested program. The “On Set” icon subsequently enables the viewer to return to the “Main Screen” or Figure 4 of Gordon et al. (Col 12, Lines 61-63).

32. Claims 1, 3-5, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (US Pat no. 6,323,911) in view of Goode et al. (US Pat No. 6,166,730).

In consideration of claim 1, the Schein et al. reference discloses an “interactive media guide” [102] that is operable to be delivered via a server to a “client device” [62] or PC-TV wherein upon it is “implemented” (Col 7, Lines 9-43). While the interface is operable to

support video on demand services (Figure 6B), the reference does not explicitly disclose details pertaining to the delivery of such services.

As is known in the art, a subscriber may request multiple VOD sessions. The Goode et al. reference discloses a method for facilitating the delivery of “requested media” in an “interactive media services system” [100]. The system comprises a “client device” [118] that “implements an interactive media guide” such as the OnSet™ system (Col 13, Line 60 – Col 14, Line 10). The embodiment further “determines whether an active session exists” upon “accessing said interactive media guide” such that the user may be notified as to “active programs” (Figure 11; Col 17, Line 55 – 33). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Schein et al. reference to “determine whether an active session exists” when accessing the “interactive media guide” for the purposes of advantageously informing users as to the presence of open sessions to which they would like to return and to advantageously facilitate the ability for homes with multiple set top terminals to share sessions (Goode et al.: Col 2, Lines 6-22).

In consideration of claim 3, the Schein et al. reference discloses a method for “displaying a plurality of titles” (Figure 6B) of on-demand media such that a user may further display a “title information screen” [162] presenting further information pertaining to the title (Figure 11B). While the “main screen” comprising a plurality of titles is not illustrated, the examiner presumes that it would be similar in appearance and functionality the other screens illustrated that list a plurality of titles wherein a viewer may subsequently retrieve an InfoMenu [130] by clicking on the program (Col 11, Lines 33-38). The Schein et al. reference, however, does

not explicitly disclose that this screen “denotes that an active session is not present” as the embodiment does not explicitly address the management of multiple sessions.

As aforementioned, the Goode et al. reference discloses that it is operable to determine and display a listing of “active media sessions” associated with a current account either through the navigator screen (Col 18, Lines 1-4). The reference, however does not explicitly disclose what information would be displayed to the user if there were no active sessions. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the “main screen” associated with the display of “active media sessions” to “denote” via one of the sub-menus [116] that “an active session is not present” for the purpose of providing a friendly manner in which to inform the user information that there are no current rentals associated with their account and to further provide a method that allows the viewer to quickly navigate through the various menus and submenus by sorting/filtering programs (Schein et al.: Col 1, Lines 1, Lines 21-54). For example, in view of the combined references, the examiner would envision an additional sub-menu item that would avail one to “sort” available VOD programs by displaying only those associated with currently “active media sessions”. If there are no “active media sessions” the “main screen”, presumably similar to those of Figure 6, could “denote” this either by returning/displaying no entries or by presenting an informational message that no records were found matching that criteria.

In consideration of claim 4, the Schein et al. reference discloses a method for “displaying a plurality of titles” (Figure 6B) of on-demand media such that a user may further display a “title information screen” [162] presented further information pertaining to the title (Figure 11B). While the “main screen” comprising a plurality of titles is not illustrated, the examiner

presumes that it would have the appearance and functionality similar to those of the other screens illustrated that list a plurality of titles such that a viewer may subsequently retrieve an InfoMenu [130] by clicking on the program (Col 11, Lines 33-38). Subsequently, the embodiment further “present[s] said main screen” or that associated with the VOD program guide should may decide to “cancel from [the] title information screen” through the “0” button (Col 13, Lines 42-45).

Claim 5 is rejected wherein Figures 11C-11E of the Schein reference illustrate the presentation of a “title purchase screen”.

Claim 36 is rejected wherein the Schein et al. reference discloses that it is operable to provide a user with “information about a media title” [130] by clicking on the program (Col 11, Lines 33-38). This screen further allows the user to “request” and “display additional information about said media title” through the linked services option such as additional information related to the actors in the program.

Claim 37 is rejected wherein the “title selection information” may further be “stored on the server” as taught by Goode et al. (Col 14, Lines 44-54) in order to facilitate the determination if other sessions exist.

33. Claims 6-10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (US Pat no. 6,323,911), in view of Goode et al. (US Pat No. 6,166,730), and in further view of Casement (US Pat No. 5,969,748).

In consideration of claim 6, the Schein et al. reference explicitly illustrates the use of a purchase “pin screen” (Figure 11C) and further illustrates suggests that the embodiment is operable to support parental controls (Figure 6B). The reference does not explicitly disclose

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nor preclude details pertaining to the use of a parental control “unlock pin” in conjunction with the ordering of programming.

The Casement et al. reference discloses a method wherein a user that is purchasing a program is subsequently “prompted “ to “enter a unlock pin value” through a “unlock pin screen” wherein the pin values are “compared” (Figure 3). Accordingly, it would have been obvious to one of ordinary skill in the art to modify the Schein et al. reference, if necessary, to utilize both an “unlock pin” and a “purchase pin” in conjunction with the ordering of media as taught by Casement et al. for the purpose of providing a means by which a user may control access to television programs and limit purchases (Casement et al.: Col 1, Lines 26-30).

Claim 7 is rejected wherein Figure 6 of the Casement et al. reference illustrates the process wherein the “unlock pin screen” is redisplayed in conjunction with an incorrect password. The Casement et al. reference does not explicitly disclose the process for “cancel[ing] from [the] unlock pin screen”. The Schein et al. reference illustrates in conjunction with the “purchase pin” that the “main screen” may be presented if the user decides to cancel” from a pin screen. Accordingly, in view of the combined reference it would have been obvious to one of ordinary skill in the art at the time of the invention to further provide a means in conjunction with both the “unlock pin” and the “purchase pin” for the purpose of providing the user with an easy means by which to return to the “main screen” should the program that one is trying to view be “blocked” such that the user does not need to repeatedly enter an invalid entry before escaping.

In consideration of claims 8-9, Figures 3-4 of the Casement et al. reference illustrate the general flow of the “pins”. Subsequent to the determination if the “media is blocked” [100] and/or the “pin values are equivalent” [102], the user is prompted with a “purchase screen to enter a pin value” [106]. Subsequently, the “purchase pin value” is “compared” [108]. If the pin value is incorrect or “not equivalent” the “purchase screen” is “redisplayed”. As illustrated in Figures 11C-D of the Schein reference, the user may return to the “main screen” upon a decision to “cancel” the order.

In consideration of claim 10, the Goode et al. reference discloses that embodiment necessarily determines if it is “possible” to establish/create a session. The Goode et al. reference discloses that the video server is operable to serve up to 10.8 Gbps of program material (Col 6, Lines 10-12). Accordingly, it would have been obvious to one of ordinary skill in the art that the aforementioned server would implicitly determine if it is “possible” to establish/create a session before fulfilling a valid request for material the purposes of ensuring that a viewer is provided with a high quality presentation that is not interrupted due to limitations in network capacity.

In consideration of claims 12, the aforementioned combined references do not explicitly disclose the appearance of a “Help screen if possible to create said session”. The claim does not explicitly recite what a help screen comprises. For example, Figure 13 of the Gordon et al. reference discloses a screen that informs users as to service guarantees that provides “help” in the form of a phone in number with which to call if the program service is poor. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the aforementioned combined references, if necessary, to further present

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a “Help Screen if possible to create said session” for the purpose of advantageously providing customer support services that inform users as to a number to call if they are not satisfied with a purchase.

Assuming arguendo, the examiner takes OFFICIAL NOTICE that the presentation of “Help screens” is it is notoriously well known in the art. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to present a “Help screen” at the start of a presentation that further explains the use of VOD features for the purpose of providing an efficient and user friendly notification to the user such that those that are using VOD services for the first time are informed as to how to utilize the trick play functions so as to lessen the likelihood that they burden customer service representatives with VOD service usage questions.

Claim 13 is rejected wherein the embodiment subsequently “displays a start of a media session” in the form of the requested program as a result entry of the proper pin [110] as illustrated in Figure 3 of Casement et al. reference.

Claim 14 is rejected wherein the combined references are directed at the delivery of a “user request” for VOD services utilize a “trick mode” (Goode et al.: Col 5, Lines 31-36)

In consideration of claim 15, the combined references do not explicitly disclose nor preclude that the display of the “main screen of [the] interactive media guide” is not displayed subsequent to the end of a session. The claim, however, does not explicitly disclose that the display is automatic. Accordingly, it would have been implicit to the operation of the aforementioned combined embodiment that “if said active session has

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ended” that a user could subsequently “display said main screen” for the purposes of facilitating the ordering of a subsequent movie.

34. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (US Pat no. 6,323,911), in view of Goode et al. (US Pat No. 6,166,730), in view of Casement et al. (US Pat No. 5,969,748), and in further view of Haddad (US Pat No. 6,072,982).

The aforementioned combined references do not explicitly detail what happens should the embodiment be unable to establish “session” due to resource constraints. As is known in the art, there are a number of reasons as to why it may not be possible to create a session for a requested program. The Haddad reference discloses a method wherein if the system is unable to “create a session for said request” that the embodiment implicitly “displays a resources unavailable screen” that subsequently allows for a viewer to select different delivery options or to “cancel” the input request thereby returning to the “main screen” displaying a listing of programming (Col 7, Lines 13-14; Col 8, Lines 29-45). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the aforementioned combined references such that the embodiment displays a “resources unavailable screen” that further provides the viewer with an alternative delivery options or the ability to “cancel” the order and return to the “main screen” as taught by Haddad for the purpose of providing a user friendly means for informing viewers that a request cannot be fulfilled at this time that further provides them flexibility through additional program delivery options (Haddad: Col 2, Lines 12-24).

35. Claims 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218) in view of Casement et al. (US Pat No. 5,969,748).

In consideration of claim 17, the LaJoie et al. reference discloses that the “interactive media guide” is operable to “accept a plurality of commands from said user to request a request for said media” in conjunction with the establishment of parental controls (Col 13, Lines 36-44; Col 20, Lines 20-31) wherein the embodiment is operable to “block” times and channels associated with a “particular rating level” or presumed content deemed by a parent be unacceptable for viewing.

The Casement et al. reference discloses a method wherein an “interactive media guide” may “rejected a request for media associated with a particular rating level” based on configurable parental control interface [50] (Col 3, Lines 14-43) executed via a “client device” (Col 3, Lines 8-13). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the LaJoie et al. parental controls to be configurable based on a “particular rating level” (Figure 2D) for the purposes of advantageously providing the user with the added flexibility in blocking individual programs based on MPAA/V-chip classifications.

Claims 18-19 are rejected wherein the Casement et al. reference discloses that the “acceptance” of a request for a program is based on the “comparison” of the aforementioned stored “plurality of commands” establishing viewable “rating levels” and the “rating data for said media”. The “override sequence is initiated” [160] if the “comparison is unequal,” indicating that the “rating level” of the particular media is restricted (Figure 4; Col 7, Lines 6-11). At such time the “user is prompted to enter a pin value” and based on the results of the “comparison” the request is “processed” [260] if the “pin value” is “equivalent” [258] (Figure 6).

In consideration of claim 20, as aforementioned the LaJoie et al. reference discloses that the “interactive media guide” is operable to “accept a plurality of commands from said user to request a request for said media” in conjunction with the establishment of parental controls (Col 13, Lines 36-44; Col 20, Lines 20-31). The Casement et al. reference discloses a method wherein an “interactive media guide” may “rejected a request for media associated with a particular theme level” based on configurable parental control interface [50] (Col 3, Lines 14-43) executed via a “client device” (Col 3, Lines 8-13). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the LaJoie et al. parental controls to be configurable based on a “particular theme” (Figure 2D) for the purposes of advantageously providing the user with the added flexibility in blocking individual programs based on MPAA/V-chip classifications.

Claims 21-22 are rejected wherein the Casement et al. reference discloses that the “acceptance” of a request for a program is based on the “comparison” of the aforementioned stored “plurality of commands” establishing viewable “rating levels” and the “rating data for said media”. The “override sequence is initiated” [162] if the “comparison is unequal,” indicating that the “theme level” of the particular media is restricted (Figure 4; Col 7, Lines 6-11). At such time the “user is prompted to enter a pin value” and based on the results of the “comparison” the request is “processed” [260] if the “pin value” is “equivalent” [258] (Figure 6).

In consideration of claim 23, the LaJoie et al. reference discloses that the “interactive media guide” is operable to facilitate the ordering of IPPV events (Col 7, Lines 13-26).

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While the reference tracks the number of viewed events, the reference does not explicitly disclose the establishment of a “monetary amount” so as to limit purchases.

The Casement et al. reference discloses a method wherein an “interactive media guide” may be utilized to establish a “configurable limit” or “monetary amount” upon which a “request for media” may be “rejected” [50] (Col 5, Lines 18-51). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the LaJoie et al. embodiment to further utilize a “configurable monetary amount” (Figure 2F) as disclosed by Casement et al. for the purposes of advantageously providing the user with the added flexibility of limiting/controlling expenses occurred in associated with IPPV purchases.

Claim 24 is rejected wherein the embodiment further discloses the process wherein the “override sequence” may be “initiated” such that the user is “prompted to enter a pin value”. Based on successful entry, the “request is processed” (Figure 5; Col 7, Lines 21-30).

In consideration of claim 25, as aforementioned the combined LaJoie et al. and Casement et al. references suggest an “interactive media guide” that is operable to facilitate the ordering of IPPV events (LaJoie et al.: Col 7, Lines 13-26) that further utilizes a “monetary” based “configurable limit” to restrict “requests for media” (Casement et al.: Col 5, Lines 18-51). With respect to the term “counter of requests”, the claim does not explicitly recite that the “count” criteria is necessarily based on the number of requests for “any” or a “particular type of media”. A “counter” as defined by Merriam-Webster’s Collegiate Dictionary 10th edition is a “device for indicating a number or amount”. Accordingly, the examiner broadly interprets the limitation as being met such that the “configurable limit” is associated with the

amount or monetary “counter of requests”. Alternatively, it is arguable that in a fixed price per event environment that the monetary amount/limit is a de facto limit or “counter” on the number of events that can be purchased.

With respect to the limitation pertaining to the limit being related to “any type of media”, the claim does not explicitly define the scope of what “any type of media” means. The LaJoie et al. reference discloses that it is further operable to additionally support the delivery of other billable services such as those associated with Internet usage, transactional electronic commerce, music, and N/VOD programming (Col 16, Lines 19-28). Accordingly, it would have been obvious to one of ordinary skill in the art in view of the combined references to modify the “configurable limit” associated with the monetary “counter of requests” of Casement et al. to apply to “any type of media” provided by the cable provider that is associated with pay-per-use charges for the purpose of advantageously providing the user with the added flexibility of limiting/controlling expenses occurred associated with various types of purchases/billable events.

Claim 26 is rejected wherein the embodiment further discloses the process wherein the “override sequence” may be “initiated” wherein the user is “prompted to enter a pin value” and based on successful entry the “request is processed” (Figure 5; Col 7, Lines 21-30).

In consideration of claim 27, as aforementioned in the rejection of claim 25, the combined LaJoie et al. and Casement et al. references suggest an “interactive media guide” that is operable to facilitate the ordering of IPPV events (LaJoie et al.: Col 7, Lines 13-26) that further utilizes a “configurable” monetary “counter of requests” that restricts “requests for media” (Casement et al.: Col 5, Lines 18-51). With respect to the limitation that the

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“counter of requests” is associated with a “particular type of media”, the limitation is met wherein the Casement et al. reference explicitly discloses that the “counter of requests” is associated with a “particular type of media” namely IPPV events.

Claim 28 is rejected wherein the embodiment further discloses the process wherein the “override sequence” may be “initiated” wherein the user is “prompted to enter a pin value” and based on successful entry the “request is processed” (Figure 5; Col 7, Lines 21-30).

36. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218).

The LaJoie et al. reference does not explicitly disclose nor preclude that the “interactive media guide is configurable” to accept commands to “change to a desired language format”. The examiner takes OFFICIAL NOTICE that it is notoriously well known in the art in conjunction with the configuration/setup of program guides to provide a “list among possible selections” of various languages in which the guide may be displayed. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide an option in conjunction with the “General Settings” (Col 20, Lines 9-36) for the purpose of facilitating the use of the program guide for viewers that speak different languages.

37. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (US Pat No. 5,850,218), in view of Chapuis et al. (US Pat No. 6,023,267).

The LaJoie et al reference discloses a means by which a viewer may order IPPV events. The reference, however, does not explicitly disclose nor preclude that the embodiment may further “change to a desired language format for said requested media” in conjunction with the ordering of programs. The Chapuis et al. reference explicitly discloses a method wherein

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a viewer is able to request or “change to a desired language format for said requested media as listed among possible selections given by said interactive menu guide” (Figure 4; Col 10, Lines 16-20, 31-33, 42-43). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention in order to advantageously offer viewers with the opportunity to select programs to be delivered in a language of their choosing.

In consideration of claim 31, both the LaJoie et al. and the Chapuis et al. (Col 4, Lines 9-13) utilize the MPEG-2 standard to encode and multiplex transport streams of delivered programs (LaJoie et al.: Col 11, Lines 32-45). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to implicitly “select a program identifier” or PID associated with “said desired language format” or language descriptor for the purposes of decoding and presenting the requested material to the user in conjunction with an MPEG-2 decoding.

In consideration of claim 32, the “client device” subsequently “provides a specific video stream of said requested media associated with said desired language format” through the television display.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

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- The Ellis et al. (WO 01/06788) reference discloses an interactive program guide that allows a user to select a language used in the playback of programming and further provides parental control. This reference does not currently qualify as prior art under 35 U.S.C. 102, however the US application upon which priority is established would qualify as prior art if patented.
- The Lightfoot et al. (US Pat No. 5,748,493) reference discloses an advanced digital network for providing point-to-point communications between subscribers terminals and broadband server equipment that further utilizes PIN numbers to support parental control functions.
- The Goode et al. (US Pat No. 6,163,272) reference discloses a method and apparatus for managing the personal identification numbers of customers as well as customer authorization access to an interactive information distribution system.
- The Dunn et al. (US Pat No. 5,861,906) reference discloses a VOD application that allows viewers to create their own customized lists of preferred video content.
- The Ellis (WO 00/60790) reference discloses an interactive television program guide system in which a viewer may browse and order available video-on-demand on the program guide display.
- The Brown (US Pat No. 5,771,435) reference discloses a method for processing requests wherein the application determines if the system resources would not be constrained and if not delivers VOD version of a NVOD application upon request.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907.

The examiner can normally be reached on Monday-Friday from 8:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SEB
May 25, 2003


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